

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a
Delaware corporation, and DOES 1-10,
inclusive,

Defendants.

Case No. C 07 2547 SC

PROOF OF SERVICE

LOCAL RULE 6-1(a)

1 JOSEPH W. COTCHETT (State Bar No. 36324)
2 NANCY L. FINEMAN (State Bar No. 124870)
3 COTCHETT, PITRE & McCARTHY
4 San Francisco Airport Office Center
5 840 Malcolm Road, Suite 200
6 Burlingame, CA 94010
7 Telephone: 650-697-6000
8 Facsimile: 650-697-0577

9 SCOTT METZGER (State Bar No. 89718)
10 ANNA F. ROPPO (State Bar No. 132680)
11 DUCKOR SPRADLING METZGER & WYNNE
12 3043 - 4th Avenue
13 San Diego, CA 92103
14 Telephone: 619-209-3000
15 Facsimile: 619-209-3043

16 Attorneys for Plaintiff
17 Fisher Investments, Inc.

18 TRISH M. HIGGINS (State Bar No. 119215)
19 ORRICK, HERRINGTON & SUTCLIFFE LLP
20 400 Capitol Mall, Suite 3000
21 Sacramento, CA 95814-4497
22 Telephone: 916-447-9200
23 Facsimile: 916-329-4900

24 MICHAEL D. WEIL (State Bar No. 209056)
25 ORRICK, HERRINGTON & SUTCLIFFE LLP
26 The Orrick Building
27 405 Howard Street
28 San Francisco, CA 94105-2669
Telephone: 415-773-5700
Facsimile: 415-773-5759

Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, more than eighteen years old and not a party to this action. My business address and place of employment is The Orrick Building, 405 Howard Street, San Francisco, California 94105.

On November 8, 2007, I served:

**STIPULATION AND [PROPOSED] ORDER CONTINUING DUE DATE OF
DEFENDANT MORGAN STANLEY & CO., INC.'S (F/K/A MORGAN STANLEY
DW, INC.) RESPONSE TO PLAINTIFF'S COMPLAINT AND CONTINUING
THE CASE MANAGEMENT CONFERENCE**

by placing a true and correct copy thereof in a sealed envelope addressed as follows:

Scott Louis Metzger
Anna Frustaglio Roppo
Duckor Spradling
Metzger & Wynne
3043 - 4th Avenue
San Diego, CA 92103

I am employed in the county from which the mailing occurred. On the date indicated above, I placed the sealed envelope for collection and mailing at this firm's office business address indicated above. I am readily familiar with this firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the firm's correspondence would be deposited with the United States Postal Service on this same date with postage thereon fully prepaid in the ordinary course of business.

Executed on November 9, 2007, in the City and County of San Francisco, State of California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Rica Guerzon